IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3269 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL ASHISHKUMAR RAJNIKANT

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

MR MURALI N DEVNANI for the Petitioner.

MS ARCHANA U AMIN for the Petitioner.

MR DN PATEL for the Respondent.

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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 14/03/2002

ORAL JUDGEMENT

Rule. Mr.D.N. Patel waives service of rule for the respondent.

With the consent of the parties, the matter is heard today finally.

The petitioner has filed this Special Civil Application for necessary direction against the respondent-authority to correct the date of birth of the petitioner in the passport.

It is the say of the petitioner that originally, his birth date is mentioned as 27.9.1975 in the passport, but that was by way of mistake and, according to the petitioner, the correct birth date is 22.9.1975. The petitioner has annexed the extract from the Birth Certificate, which is at page 9 and in the said certificate, the date of birth is shown as 22.9.1975. It is contended on behalf of the petitioner that, by mistake, at the relevant time, the birth date was mentioned as 27.9.1975 in the school record, which, according to the petitioner, is not correct, and his correct birth date of 22.9.1975 is required to be recorded in the passport now by amending the earlier birth date. For this purpose, the petitioner has also made a representation dated 8.3.2002 to the authority, which is at page 15. However, the said representation is not decided by the authority.

Considering the facts and circumstances of the case, it is directed that the respondent-authority may take appropriate decision on the representation of the petitioner, which is dated 8.3.2002. The authority may also consider the documentary evidence produced by the petitioner, which is in the form of Birth Certificate. Learned Advocate states that the petitioner had also approached the Magistrate for entering his name in the Birth Certificate, and, according to the submission of the learned Advocate, the Magistrate has also passed such order. It will be open for the petitioner even to produce all these documents, which are relevant for the purpose of deciding the controversy, before the authority concerned. The respondent authority is directed to take appropriate decision on the representation of the petitioner dated 8.3.2002 in accordance with law and after considering the evidence on record. Such decision may be taken as early as possible and expeditiously. After deciding the representation, further action may be taken for issuing passport to the petitioner. It is needless to state that such decision will be taken purely in accordance with law as well as, as per the evidence on record.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

Direct service is permitted.

14th March, 2002 ( P.B. Majmudar, J. )

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(apj)